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STATE OF ARIZONA

DEPARTMENT OF INSURANCE

MAY 8 2013

DEPT OF INSURANCE BY

In the Matter of:

ACCESS INSURANCE AGENCY OF ARIZONA, LLC dba ACCESS AUTO INSURANCE (Arizona License Number 911656)

Respondent.

No. 13A-058-INS

CONSENT ORDER

The State of Arizona Department of Insurance ("Department") has received evidence that **Access Insurance Agency of Arizona**, **LLC dba Access Auto Insurance** violated provisions of Title 20, Arizona Revised Statutes. Respondent wishes to resolve this matter without the commencement of formal proceedings, and admits the following Findings of Fact are true and consents to entry of the following Conclusions of Law and Order.

SUMMARY OF ALLEGATIONS

- 1. Access Insurance Agency of Arizona, LLC dba Access Auto Insurance ("Access Insurance" or "Respondent") is, and was at all material times licensed as an Arizona resident casualty and property insurance producer, Arizona license number 911656, which expires February 29, 2016.
- 2. Access Insurance's addresses of record are: 4815 N. 27th Ave., Phoenix, Arizona 85017 (business) and 1 S. 450 Summit Ave., Oak Brook Terrace, Illinois 60181(mailing).

Unlicensed Activity

3. On or about January 1, 2013, Access Insurance acquired Select Insurance Agency and its employees.

- 4. Between January 1, 2013 and April 22, 2013, Access Insurance employed Lydia P. Valenzuela ("Valenzuela") and Betzabe F. Munoz ("Munoz") to sell, solicit, or negotiate insurance on it's behalf for which Valenzuela and Munoz were paid a commission. Valenzuela and Munoz are not, and were not at all material times, licensed to transact insurance in the State of Arizona.
- 5. On or about April 24, 2013, Respondent advised the Department that it was aware of the unlicensed activity and was actively taking appropriate remedial steps.

Access Auto Insurance DBA

- 6. The website for Access Insurance identifies the name of the agency as Access Auto Insurance ("Access Auto"). Access Auto is not registered with the Department as a dba of Access Insurance.
- 7. After the Department initiated an investigation, Respondent registered Access Auto as a dba of Access Insurance.

Access Auto Goodyear, Arizona branch location

- 8. Access Insurance has eight branch locations in Arizona. On or about January 1, 2013, Access Insurance acquired a branch office located at 13250 W. Van Buren St. Suite 112, Goodyear, Arizona 85338 ("Goodyear location"). Access Insurance failed to disclose the additional branch location to the Department.
- 9. After the Department initiated an investigation, Respondent submitted the necessary documentation to the Department adding the Goodyear location for Access Insurance as an additional branch location.

CONCLUSIONS OF LAW

1. The Director has jurisdiction over this matter.

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- 2. Respondent's conduct, as described above, constitutes a violation of Title 20, within the meaning of A.R.S. § 20-295(A)(2).
- 3. Respondent's conduct as described above constitutes failing to notify the Department of an insurance producer doing business under any name other than the producer's legal name within the meaning of § 20-297(A).
- 3. Respondent's conduct as described above constitutes paying a commission to an unlicensed person for selling, soliciting or negotiating insurance in this state within the meaning of A.R.S.§20-298(A).
- 4. Respondent's conduct, as described above, constitutes failing to report to the Director at least one insurance producer individually licensed for the appropriate lines of authority in each office or place of business in which the business entity transacts insurance in this State, within the meaning of A.R.S. § 20-290(B).
- 5. Grounds exist for the Director to order Respondent to cease and desist engaging in the violation or doing any act in furtherance of the violation of A.R.S. § 20-282, pursuant to A.R.S. § 20-292.
- 6. Grounds exist for the Director to deny, suspend for not more than twelve months, revoke, or refuse to renew an insurance producer's license, impose a civil penalty and/or order restitution pursuant to A.R.S. § 20-295(A).
- 7. Grounds exist for the director to impose a civil penalty of not more than two thousand five hundred dollars for each intentional violation, up to an aggregate civil penalty of fifteen thousand dollars pursuant to A.R.S. § 20-295(F)(2).

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ORDER

IT IS HEREBY ORDERED THAT:

- 1. Respondent shall immediately cease and desist from allowing unlicensed personnel to sell, solicit or negotiate insurance on its behalf.
- 2. Respondent shall immediately pay a civil penalty of \$10,000.00 for deposit into the State General Fund.

GERMAINE L. MARKS Director of Insurance

CONSENT TO ORDER

- Respondent has reviewed the foregoing Findings of Fact, Conclusions of Law and Order.
- 2. Respondent admits the jurisdiction of the Director of Insurance, State of Arizona, and admits the foregoing Summary of Allegations and consents to the entry of the foregoing Conclusions of Law and Order.
- 3. Respondent is aware of its right to notice and a hearing at which it may be represented by counsel, present evidence and examine witnesses. Respondent irrevocably waive its right to such notice and hearing and to any court appeals relating to this Consent Order.
- 4. Respondent states that no promise of any kind or nature whatsoever, except as expressly contained in this Consent Order, was made to it to induce it to enter into this Consent Order and that it has entered into this Consent Order voluntarily.

	5.	Respondent acknowledges that the acceptance of this Consent Order by the		
Direct	tor is so	slely to settle this matter against it and does not preclude any other agency,		
including the Department, officer, or subdivision of this state or this agency from instituting civi				
or criminal proceedings as may be appropriate now or in the future arising out of events not				
descr	ibed in	this Consent Order.		

- 6. Respondent acknowledges that this Consent Order is an administrative action that the Department will report to the National Association of Insurance Commissioners (NAIC). Respondent further acknowledges that it must report this administrative action to any and all states in which it holds an insurance license and must disclose this administrative action on any license application.
- Donald J. Turner represents that he is the President of Access Insurance Agency 7. of Arizona, LLC, and as such is authorized to enter into this Consent Order on its behalf.

Donald J. Turner, President

Access Insurance Agency of Arizona, LLC, License # 911656

5-7-13

Date

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22 23 COPIES of the foregoing mailed/delivered this 8th day of 2013, to:

Donald J. Turner, President Access Auto Insurance Agency of Arizona, LLC 1 S. 450 Summit Ave.

1	Oak Brook Terrace, IL 60181		
2	Respondent Mary E. Kosinski, Executive Assistant for Regulatory Affairs		
	Mary Butterfield, Assistant Director, Consumer Affairs Division		
3	Catherine M. O'Neil, Consumer Legal Affairs Officer Steven Fromholtz, Licensing Supervisor		
4	Charles Gregory, Supervisor Investigations Division		
5	Randy Markham, Investigator Department of Insurance		
J	2910 North 44 th Street, Suite 210		
6	Phoenix, Arizona 85018		
7	Curvey Burton		
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